



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/650,096	08/26/2003	Douglas R. Dean	205332-9014	5895
1131	7590	08/23/2005	EXAMINER	
MICHAEL BEST & FRIEDRICH LLC 401 NORTH MICHIGAN AVENUE SUITE 1900 CHICAGO, IL 60611-4212			STERLING, AMY JO	
		ART UNIT		PAPER NUMBER
				3632

DATE MAILED: 08/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/650,096	DEAN ET AL.	
	Examiner Amy J. Sterling	Art Unit 3632	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 13 June 2005.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-42 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) 24-35 is/are allowed.
- 6) Claim(s) 1,2,7-14,17,18,23,36 and 42 is/are rejected.
- 7) Claim(s) 3-6,15,16,19-22,37-41 is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) <input type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.	6) <input type="checkbox"/> Other: _____.

DETAILED ACTION

This is the **Final Office Action** for application number 10/650,096 Pole Connector Assembly and Method of Racks and Shelving, filed on 8/26/03. Claims 1-42 are pending. This **Final Office Action** is in response to applicant's reply dated . The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Applicant's amendment necessitated any new ground(s) of rejection presented in this Office action.

Claim Rejections - 35 USC § 102

Claims 1, 2, 7-14, 17, 18, 23, 36 and 42 are rejected under 35 U.S.C. 102(b) as being anticipated by United States Patent No. 6095713 to Doyle et al.

Doyle et al. teaches a pole connector assembly having an insert (100) dimensioned to be receiving within an end of a first pole section, and aperture defined in the one piece unitary body and four projection portions (ends of 100) deflectable with respect to a remainder of the one-piece unitary body and a U-shaped fastener (101 and unmarked screw) having a first end insertable into the aperture, the fastener having at least one surface positioned and shaped to contact and limit deflection of the at least one deflectable portion to less than needed to permit removal of the insert and being insertable into the aperture in press fit frictional engagement to limit inward deflection of the projections and to deflect the projections toward an internal surface of the first pole section and can be inserted without appreciable deflection, the fastener also having a

second end coupled to a second pole section (32). Doyle et al. also teaches the method of inserting a first insert into an end of a first pole section the first insert having at least one inwardly deflectable projection, inserting a fastener into an aperture of the first insert, contacting a portion of the fastener with the at least one inwardly deflectable projection, limiting the deflection of the at least one inwardly deflectable projection with the portion of the fastener and coupled the fastener to a second pole section which includes the steps of performing the limiting and coupling steps with a second insert and pole section.

Response to Arguments

Applicant's arguments with respect to claims 1, 2, 7-14, 17, 18, 23, 36 and 42 have been considered but are moot in view of the new ground(s) of rejection.

Allowable Subject Matter

Claims 3-6, 15, 16, 19-22 and 37-41 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 24-35 are allowed.

The reason is that the prior art does not teach that the fastener is deformable or the method of inserting the fastener and deflecting the projection of the fastener, the at least one projection being deflectable from the base of the fastener and including a tongue and groove connection and wherein the body portion of the insert includes at

least ten projections. The prior art also does not teach that the fastener has a collar portion having an enlarged cross-section.

The reason is that the prior art does not teach a fastener having opposite ends received within apertures of first and second inserts which have a base, a deflectable projection extending from the base and an aperture defined in the base, the fastener having a base with at least one deflectable projection extending from the base, in combination with a first and second pole section and the first and second inserts received within the pole sections.

Conclusion

THIS ACTION IS MADE FINAL. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

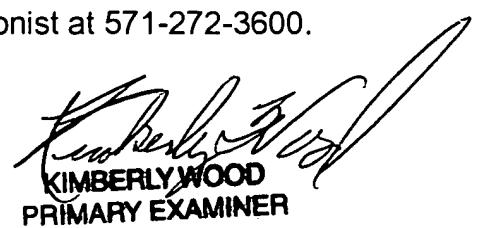
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action. Any inquiry concerning this communication should be directed to Amy J. Sterling at telephone number 571-272-6823. The examiner can normally be reached (M-F 8 a.m.-5:00 p.m.). If attempts to

Art Unit: 3632

reach the examiner are unsuccessful, the examiner's supervisor, Robert Olszewski can be reached at 571-272-6788. The fax machine number for the Technology center is 7571-273-8300 (formal amendments) or 571-273-6823 (informal amendments and communications). Any inquiry of a general nature or relating to the status of this application should be directed to the Technology Center receptionist at 571-272-3600.



Amy J. Sterling
8/11/05



KIMBERLY WOOD
PRIMARY EXAMINER